

C A M P A I G N F O R
ACCOUNTABILITY

August 15, 2018

By email: OpenRecordsRequest@hhsc.state.tx.us

Open Records Coordinator
Texas Health and Human Services
MC-1070
4900 N. Lamar Blvd.
Austin, Texas 78751-2316

Re: Public Information Act Request

Dear Sir or Madam:

Campaign for Accountability (“CfA”) makes this request for records of Texas Health and Human Services (“HHS”), regardless of format, medium, or physical characteristics, and including electronic records and information, audiotapes, videotapes and photographs, pursuant to the Texas Public Information Act. TX Gov’t Code § 552.001 *et seq.*

First, CfA seeks any and all communications, meeting notices, meeting agendas, informational materials, talking points, or other materials received by, sent from, or exchanged between or among any employee(s) of HHS and any other individual with any of the following email addresses or proper names; as well as any and all communications, meeting notices, meeting agendas, informational materials, talking points, or other materials received by, sent from, or exchanged between or among any employee(s) of HHS that contain any of the following proper names.

Email addresses:

- Ra-admin@comcast.net
- Ra-operations@comcast.net
- Ra-president@comcast.net
- kbagatta@aol.com
- tal@pwlegal.com
- cohibas@aol.com

Proper Names:

- Real Alternatives (capitalized and pluralized, as written here)
- Kevin Bagatta
- Thomas Lang
- Tom Lang
- Clifford McKeown
- Cliff McKeown

This request is for records from January 1, 2011, to the present.

Second, CfA seeks copies of all solicitations, proposals, memoranda, contracts, agreements, invoices, or other documents related to or representing a contractual agreement or other financial agreement between HHS and Human Coalition (“HC”), as part of HC’s participation in the Texas Alternatives to Abortion Program (the “Program”).

This request is for records from January 1, 2017 to the present.

By way of background, the Program is a state-wide initiative aimed at “provid[ing] low-income pregnant women with pregnancy and parenting information and support.”¹ In its own words, Texas Pregnancy Care Network (“TPCN”) is the Program’s “primary contractor,” and connects Texas residents to “pregnancy support centers” (sometimes also referred to as crisis pregnancy centers) across the state in order to connect residents with resources.² In IRS Form 990 filings, Real Alternatives describes its relationship with Texas Pregnancy Care Network as part of an effort to support the Program.³ Real Alternatives also mentions Texas Pregnancy Care Network and the Program extensively in the portion of its website describing Real Alternatives’ history of operations.⁴ By all accounts, it appears Real Alternatives supported TPCN and the Program from at least 2006 until 2014. Meanwhile, as a separate effort to expand the Program, earlier this month it was reported that HHS has extended Program funding to HC for additional services related to the efforts of TPCN.⁵

CfA seeks records of any kind, including electronic records, audiotapes, videotapes, and photographs. This request includes any letters, emails, facsimiles, telephone messages, voice mail messages, and transcripts, notes, or minutes of any meetings, telephone conversations, or discussions. This request also includes any attachments to these records.

If it is your position that any portion of the requested records is exempt from disclosure, please state the basis of the exemption. TX Gov’t Code § 552.101. Please explain in writing and with particularity the reasons for any determination that a record is exempt from disclosure. In the event that a portion of a requested record is properly exempt from disclosure, please redact that portion and produce the remainder of the requested record. If you deny this request in whole or in part, please specify each exemption on which you are relying to withhold information.

CfA is a non-profit organization and seeks the requested information to inform and educate the public about the state’s oversight responsibilities regarding public funding for private organizations. Accordingly, because CfA seeks the information to benefit the general public, we

¹ See <https://hhs.texas.gov/services/health/women-children/alternatives-abortion>.

² <http://texaspregnancy.org/about>.

³ See, e.g., http://990s.foundationcenter.org/990_pdf_archive/232/232868660/232868660_201206_990.pdf at 2.

⁴ <https://www.realalternatives.org/history/>.

⁵ <https://rewire.news/article/2018/08/14/texas-takes-millions-from-low-income-families-to-give-to-anti-choice-virtual-clinic/>.

August 15, 2018

Page 3

request that the information be provided without charge. TX Gov't Code § 552.267. If a fee waiver is not available, please inform me if the cost will exceed \$200. TX Gov't Code § 552.2615.

Please promptly produce the requested information. If, however, production cannot occur within 10 business days, please certify that fact to us and provide a time when the information will be available. TX Gov't Code § 552.221. If you are unable to meet this statutorily required time period, or foresee any problems in releasing the requested records in whole or in part, please contact me at 202-780-5750.

Finally, I welcome the opportunity to discuss with you whether and to what extent this request can be narrowed or modified to better enable HHS to process it. If possible, please email the records to me at dstevens@campaignforaccountability.org. If the records are mailed, please send them to: Campaign for Accountability, 611 Pennsylvania Avenue SE, #337, Washington, DC 20003.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dan E. Stevens", with a long horizontal flourish extending to the right.

Daniel E. Stevens
Executive Director